

### **Remarks**

Claims 6-8, 13, 14, and 25-31 are pending after the cancellation of claims 1-5, 9-12 and 15-24 without prejudice, and the addition of new claims 27-31. Claims 6-8, 13 and 14 are amended to make them depend from allowed claim 25 as supported in these claims as filed. New claims 27-31 correspond to claims 6-8, 13 and 14, respectively, except that they recite “sample” instead of “body fluid,” and they depend from allowed claim 26. These claims are supported in claims 6-8, 11, 13, and 14 as filed. No new matter is presented by these amendments to the claims, and there entry is respectfully requested. No new issues are presented as the new claims include no language not already considered. Thus, entry of the new claims and allowance of all the claims are respectfully requested.

### **Rejections Under 35 U.S.C. §102**

Claims 5, 6, 11, 12 and 13 remain rejected over Morton et al. for reasons of record. Applicants traverse this rejection for reasons of record. However, in order to expedite prosecution of the allowed and allowable claims, applicants have cancelled the rejected independent claims 5, 11 and 12. Thus, this rejection as to those claims is moot.

Regarding dependent claims 6-8, these claims formerly depended from claim 5. As amended, these claims depend from allowed claim 25. The amended claims are believed to be definite in their dependency from claim 25 since the claim element further defined in claims 6-8 is present in claim 25. There is no rejection of claims 6-8 except the present art rejection of claim 6, which is based only on its former dependency from rejected claim 5. Having changed

this to dependency on allowed claim 25, the present rejection of claim 6 is overcome, and the allowance of amended claims 6-8 is respectfully requested.

Regarding dependent claim 13, this claim formerly depended from claim 11. As amended, this claim depends from allowed claim 25. Amended claim 13 is believed to be definite in its dependency from claim 25 since the method step further defined in claim 13 is present in claim 25. There is no rejection of claim 13 except the present art rejection, which is based only on the claim's former dependency from rejected claim 11. Having changed this to dependency on allowed claim 25, the present rejection of claim 13 is overcome, and the allowance of this claim is respectfully requested.

### **Rejection Under 35 U.S.C. §103**

Claim 14 is rejected as obvious over Morton et al in view of May et al.

Since claim 14 has been amended to depend from allowed claim 25 (via amendment of claim 13 from which claim 14 depends), this rejection is believed to be overcome. Amended claim 14 is believed to be definite in its dependency from claim 25 since the method step further defined in claim 14 is present in claim 25. Since this art rejection is the only rejection of record for claim 14, amended claim 14 is believed to be allowable and its allowance is respectfully requested.

### **New Claims**

New claims 27-31 are believed to be free of all art rejections of record, as they correspond to otherwise allowable claims 6-8, 13 and 14, but depend from allowed claim 26. These claims are also definite in their dependency from claim 26 for the same reason that claims

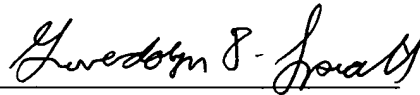
6-8, 12 and 13 are definite, i.e., because they further define an element that is present in the base claim, in this case claim 26.

Pursuant to the above amendments and remarks, reconsideration and allowance of the pending claims are believed to be warranted. The Examiner is invited and encouraged to contact directly the undersigned if such contact may enhance the efficient prosecution of this application to issue.

No fee is believed due; however, the Commissioner is hereby authorized to charge any fees that may be required or to credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Gwendolyn D. Spratt  
Registration No. 36,016

NEEDLE & ROSENBERG, P.C.

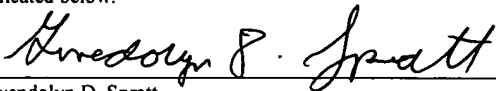
Customer Number 23859

678-420-9300

678-420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



Gwendolyn D. Spratt

1-21-04

Date